

REGULAR MEETING

MAYOR AND BOARD OF TRUSTEES, VILLAGE OF BURR RIDGE, IL

AUGUST 24, 2009

CALL TO ORDER The Regular Meeting of the Mayor and Board of Trustees of August 24, 2009 was held in the Meeting Room of the Village Hall, 7660 County Line Road, Burr Ridge, Illinois and called to order at 7:00 p.m. by Mayor Grasso.

PLEDGE OF ALLEGIANCE was conducted by Claire Kelly of Pleasantdale Elementary School.

ROLL CALL was taken by the Village Clerk and the results denoted the following present: Trustees Sodikoff, Paveza, Allen, Grela & Mayor Grasso. Absent: Trustees Wott & DeClouette. Also present were Village Administrator Steve Stricker, Community Development Director Doug Pollock, Public Works Director Paul May, Finance Director Jerry Sapp, Acting Police Chief John Madden, Village Clerk Karen Thomas and Village Attorney Terry Barnicle.

There being a quorum, the meeting was open to official business.

AUDIENCE There were none at this time.

CONSENT AGENDA – OMNIBUS VOTE After reading the Consent Agenda by the President, motion was made by Trustee Paveza and seconded by Trustee Allen that the Consent Agenda – Omnibus Vote, (attached as Exhibit A), and the recommendations indicated for each respective item, be hereby approved.

On Roll Call, Vote Was:

AYES: 4 – Trustees Paveza, Allen, Grela & Sodikoff

NAYS: 0 – None

ABSENT: 2 – Trustees Wott & DeClouette

There being four affirmative votes, the motion carried.

MINUTES – REGULAR MEETING OF AUGUST 10, 2009 were approved for publication under the Consent Agenda by Omnibus Vote.

MINUTES – (DRAFT) PLAN COMMISSION COMMITTEE MEETING OF AUGUST 17, 2009 were noted as received and filed under the Consent Agenda by Omnibus Vote.

ORDINANCE GRANTING A VARIATION FROM THE REAR YARD SETBACK REQUIREMENT OF THE VILLAGE OF BURR RIDGE ZONING ORDINANCE (V-03-2009: 21 WOODGATE DRIVE – JOHNSTON/SMUTNY) The Board, under the Consent Agenda by Omnibus Vote, approved the Ordinance granting a variation to allow a room addition to be built with a 10 foot rear yard setback rather than the required 50 foot for the property at 21 Woodgate Drive.



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THIS IS ORDINANCE NO. A-834-13-09

ORDINANCE REZONING CERTAIN REAL ESTATE FROM THE R-2A DISTRICT TO THE T-1 DISTRICT OF THE VILLAGE OF BURR RIDGE ZONING ORDINANCE (Z-09-2009: 7700 COUNTY LINE ROAD – BURR RIDGE POLICE FACILITY) The Board, under the Consent Agenda by Omnibus Vote, approved the Ordinance rezoning 7700 County Line Road from R-2A District to T-1 Transitional District.

THIS IS ORDINANCE NO. A-834-14-09

ORDINANCE GRANTING VARIATIONS FOR REDUCTION OF THE CORNER SIDE YARD SETBACK AND ALLOWANCE OF LIMITED GUEST PARKING IN A FRONT YARD PURSUANT TO THE VILLAGE OF BURR RIDGE ZONING ORDINANCE (Z-09-2009: 7700 COUNTY LINE ROAD – VILLAGE OF BURR RIDGE) The Board, under the Consent Agenda by Omnibus Vote, approved the Ordinance granting variations for corner side yard setback and for limited front yard guest parking for 7700 County Line Road.

THIS IS ORDINANCE NO. A-834-15-09

RECOMMENDATION TO APPROVE SPECIAL USE TO CONSTRUCT A CART CORRAL NEAR FRONT ENTRANCE (Z-05-2009: 100 BURR RIDGE PARKWAY – BROOKHAVEN MARKET) The Board, under the Consent Agenda by Omnibus Vote, accepted the Plan Commission's recommendation and directed the preparation of the Ordinance granting site plan and special use approval for Brookhaven Market to construct a cart corral at 100 Burr Ridge Parkway.

RECOMMENDATION TO APPROVE REZONING FROM THE R-3 SINGLE-FAMILY RESIDENCE DISTRICT AND THE B-2 GENERAL BUSINESS DISTRICT TO THE O-2 OFFICE AND HOTEL DISTRICT (Z-10-2009: 15W211 75TH STREET – MSJ PROPERTIES) The Board, under the Consent Agenda by Omnibus Vote, accepted the Plan Commission's recommendation and directed the preparation of the Ordinance rezoning 15W211 75th Street from the R-3 Single Family Residence District and the B-2 General Business District to the O-2 Office and Hotel District.

RECOMMENDATION TO APPROVE FENCE REPLACEMENT (PC-08-2009: CARRIAGE WAY SUBDIVISION) The Board, under the Consent Agenda by Omnibus Vote, accepted the Plan Commission's recommendation to approve the request from the Carriage Way Homeowners Association to replace a subdivision fence located along County Line Road north of Carriage Place.

RECOMMENDATION TO ENTER INTO A RELEASE AND INDEMNIFICATION AGREEMENT WITH THE VILLAGE OF LEMONT FOR USE OF LEMONT'S FIRING RANGE FACILITIES The Board, under the Consent Agenda by Omnibus Vote, approved



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the Release and Indemnification Agreement with the Village of Lemont for the use of its outdoor firing range and authorized Acting Police Chief John Madden to sign the agreement.

RECOMMENDATION TO AWARD CONTRACT FOR PURCHASE OF REPLACEMENT CHIPPER The Board, under the Consent Agenda by Omnibus Vote, awarded the contract for a replacement chipper to Alexander Equipment in the amount of \$26,700.

VOUCHERS in the amount of \$388,532.16 for the period ending August 24, 2009 and payroll in the amount of \$185,183.64 for the period ending August 8, 2009 were approved for payment under the Consent Agenda by Omnibus Vote.

PUBLIC HEARING
CONCERNING THE INTENT OF THE MAYOR AND BOARD OF TRUSTEES OF THE
VILLAGE OF BURR RIDGE, DUPAGE AND COOK COUNTIES, ILLINOIS, TO SELL
NOT TO EXCEED \$5,900,000 GENERAL OBLIGATION BONDS
(ALTERNATE REVENUE SOURCE)

CALL TO ORDER The Public Hearing of the Mayor and Board of Trustees Concerning the Intent of the Mayor and Board of Trustees of the Village of Burr Ridge, DuPage and Cook Counties, Illinois, to Sell Not to Exceed \$5,900,000 General Obligation Bonds (Alternate Revenue Source) was held in the Meeting Room of the Village Hall, 7660 South County Line Road, Burr Ridge, Illinois and called to order by Mayor Grasso at 7:05 p.m., with the same Trustees in attendance as immediately preceding the Public Hearing.

NOTICE OF HEARING was published in The Suburban Life.

PURPOSE OF HEARING is to consider the sale of not to exceed \$5,900,000 General Obligation Bonds using an Alternate Revenue Source for the construction of the new Police Facility.

PRESENTATION

Terry Barnicle, Village Attorney, stated that this hearing is required by the Bond Issue Notification Act. He said the Village does not intend to issue bonds at this time but this enables the Village, when its debt certificates are called in three years, to issue alternate revenue bonds to refund those debt certificates if the property the Village is intending to sell, is not sold at that time. He continued that this gives the Village legal authority to issue those alternate revenue bonds in three years if necessary. This is not for a current bond issue it is to refund the debt certificates that the Village is considering under agenda item 6A. He said action on that item will not take place until a week from today in the event that those debt certificates do mature prior to the time there is other revenue sources to pay for the maturing debt certificates. He continued that the alternate revenue sources would be identified in three years; it is contemplated the main source would be sales tax.



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BOARD QUESTIONS AND COMMENTS none were heard.

AUDIENCE QUESTIONS AND COMMENTS none were heard.

CLOSE HEARING Motion was made by Trustee Paveza and seconded by Trustee Allen that the Public Hearing Concerning the Intent of the Mayor and Board of Trustees of the Village of Burr Ridge, DuPage and Cook Counties, Illinois, to Sell Not to Exceed \$5,900,000 General Obligation Bonds (Alternate Revenue Source) be closed.

On Voice Vote, the motion carried and the Public Hearing Concerning the Intent of the Mayor and Board of Trustees of the Village of Burr Ridge, DuPage and Cook Counties, Illinois, to Sell Not to Exceed \$5,900,000 General Obligation Bonds (Alternate Revenue Source) was closed at 7:08 p.m.

ORDINANCE OF THE VILLAGE OF BURR RIDGE, DUPAGE AND COOK COUNTIES, ILLINOIS, AUTHORIZING AND PROVIDING FOR AN INSTALLMENT PURCHASE AGREEMENT FOR THE PURPOSE OF FINANCING THE COSTS OF CERTAIN CAPITAL IMPROVEMENTS IN AND FOR THE VILLAGE, INCLUDING, BUT NOT LIMITED TO, A NEW POLICE STATION, AND AUTHORIZING AND PROVIDING FOR THE ISSUE OF \$5,885,000 (TAXABLE) DEBT CERTIFICATES, SERIES 2009, EVIDENCING THE RIGHTS TO PAYMENT UNDER SUCH AGREEMENT, PRESCRIBING THE DETAILS OF THE AGREEMENT AND CERTIFICATES, AND PROVIDING FOR THE SECURITY FOR AND MEANS OF PAYMENT UNDER THE AGREEMENT OF THE CERTIFICATES

Terry Barnicle explained that this is the item for which the Public Hearing was held. Debt Certificates are a method of financing the construction of the new police facility. The debt certificates may be issued in either taxable or tax exempt certificates, depending on the bids that are received on Monday, August 31. There is a new method of financing under Build America and some of the incentives from the Federal government provide for payment up to 35% of the levy for interest on taxable certificates, which may make it more advisable to issue these on a taxable basis.

Mayor Grasso explained that this meeting will be continued to August 31 in order to review quotes and approve an Ordinance to issue \$5.8 million in short term debt.

ORDINANCE AMENDING THE BUDGET ADOPTION ORDINANCE FOR ALL CORPORATE PURPOSES OF THE VILLAGE OF BURR RIDGE, DUPAGE AND COOK COUNTIES, ILLINOIS, FOR THE FISCAL YEAR COMMENCING ON THE FIRST DAY OF MAY, 2009 AND ENDING ON THE THIRTIETH DAY OF APRIL, 2010 (TRANSFER OF EQUITY COMMENCING ON SEPTEMBER 1, 2009)



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The Board reviewed the Village Administrator's recommendation to fill the gap in the financing structure until land is sold, a short term three-year bond issue in the amount of \$5.885 million was considered the best financing alternative and transferring money to the Debt Service Fund.

Mr. Stricker said that as previously discussed, in order to pay for the interest on the debt for construction of the new Police Facility until the land is sold, the Village will need to transfer \$2 million from the Water Fund and \$800,000 from the General Fund to the Debt Service Fund to generate interest to pay interest on the debt certificates.

Motion was made by Trustee Allen and seconded by Trustee Grela to approve the Ordinance amending the FY 2009-10 Budget which provides for the transfer of \$800,000 from the General Fund and to transfer \$2,000,000 from the Water Fund to the Debt Service Fund on September 1, 2009.

On Roll Call, Vote Was:

AYES: 4 – Trustees Allen, Grela, Sodikoff & Paveza

NAYS: 0 – None

ABSENT: 2 – Trustees Wott & DeClouette

There being four affirmative votes, the motion carried.

THIS IS ORDINANCE NO. A-1099-01-09

RECOMMENDATION TO APPROVE PUD AMENDMENT TO PERMIT ADDITIONAL PROJECT IDENTIFICATION SIGNS ON THE BUILDING (Z-11-2009: 1000 VILLAGE CENTER DRIVE – OPUS NORTH)

Doug Pollock, Community Development Director, said in 2007 the Village approved a PUD amendment that included project identification signs for the Village Center – this amendment would add one more project identification sign. Opus North has proposed a wall sign on Building 7 (1000 Village Drive) that would face north toward I-55 and County Line Road. Opus wants to provide identification of the retail component to I-55. They testified that one of the main concerns they hear from the retail tenants is the lack of visibility and identification from I-55. They feel that is part of the reason their stores have underperformed. The Plan Commission questioned the benefits of the sign as it relates to increasing retail sales but agreed a sign identifying the Center as a retail center in this location is appropriate. Opus requested a sign stating “Burr Ridge Village Center”. The Plan Commission suggested modifying the sign to add “live, shop, dine” and approved an amendment to the sign presented at the public hearing. Opus has prepared a revised drawing which includes the BR leaf logo in the middle, “Village Center” to the left and “live, shop, dine” to the right, before “Burr Ridge” was on the left and to the right “Village Center”. The Plan Commission felt this would have more impact in identifying the Village Center as a retail destination.

Mayor Grasso said he thinks it should say “Burr Ridge – live, shop, dine”. There is nothing you can see from I-55 that states Burr Ridge. People live in Burr Ridge, not the Village Center.



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Mr. Marrs said the Village currently has minimal solicitation regulations. The definition of "Solicitation" itself changes and is written to encompass any solicitation of funds or any commercial transaction not taking place within a retail environment. In some places solicitation is defined more narrowly as orders taken for goods and services for future delivery. The way "solicitation" will be used in the revised Ordinance is broad enough to cover all activities so the word "Peddler" is not in this ordinance at all. There is a specific exemption for activity purely expressive in nature such as support for political or charitable causes that do not request money, and we cannot impose licenses on those sorts of activities. The Illinois Supreme Court has said there is no power under the Municipal Code to regulate the sale of books, newspapers and periodicals by people going door to door. One can post No Soliciting or No Trespassing signs and they have to be respected.

Charitable solicitation on public roadways, includes different groups that have people stand at major intersections conducting their annual fund raisers for a day or two in the year. This section is based on the Illinois Vehicle Code which prohibits any sort of solicitation on public streets except as authorized by local ordinance, which gives the Village power over where and when this can take place. This ordinance is set up for one charitable organization per day with limited hours and only at stop lights (except Rt. 83 & Central – per staff recommendation). It is limited to no more than two days per organization per year. People standing at the intersection must be at least 17 years of age and wearing a high visibility vest. This is limited to groups engaged in statewide fundraising activity and registered as a charitable organization. They are responsible for their people and need to show proof of insurance.

Mr. Stricker said these regulations would apply to the Kiwanis and to the firemen with the boots as well as any other organization. Everyone has to be registered. There is a difference between the solicitor that comes door to door and the solicitor on the street corner. The Chief can tell you that they want to "beef up" the regulations regarding the door to door solicitors.

Mr. Marrs said handbills are the distribution of advertisements, circulars, newspapers and other printed matter including religious pamphlets. It is different than soliciting so would be best addressed as a separate ordinance. It is a delicate matter due to first amendment rights but the Village could impose time, manner and place restrictions.

There was Board discussion with Acting Police Chief Madden saying that if the ordinance is left the way it is currently written, the Village cannot register the door to door solicitor. He continued that if there was a registration, staff would know who is going door to door. We would be able to do a background check and that would give more comfort to the residents.

Mr. Stricker said that if anyone has any other questions for comments on the Ordinance please let him know and that discussion will continue at another meeting.

1ST QUARTER FY 2009-10 FINANCIAL REPORT

A handwritten signature in cursive script, likely belonging to a Village official, is located in the bottom right corner of the page.

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at least on the DuPage side, is asking all of the DuPage communities to follow suit. There are no regulations from the gaming board. We may want to wait until it is determined what they come up with but it could be placed on the agenda if anyone feels it should be discussed. Right now it is the law of Illinois to allow it and every community has the right to opt out. It may take at least a year before the gaming board comes up with rules and regulations.

Mayor Grasso said that Village Administrator Steve Stricker is celebrating 20 years with the Village.

ADJOURNMENT Motion was made by Trustee Sodikoff and seconded by Trustee Allen that the Regular Meeting of August 24, 2009 be adjourned to Closed Session to discuss approval of Closed Session Minutes of July 13, 2009, pending litigation and collective bargaining issues.

On Roll Call, Vote Was:

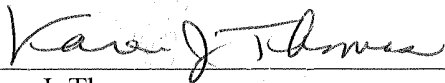
AYES: 4 – Trustees Sodikoff, Allen, Grela & Paveza

NAYS: 0 – None

ABSENT: 2 – Trustees Wott & DeClouette

There being four affirmative votes, the motion carried and the meeting was adjourned at 8:28 p.m. to Closed Session.

PLEASE NOTE: Where there is no summary of discussion on any items in the minutes, this reflects that no discussion occurred other than the introduction of the item.



Karen J. Thomas
Village Clerk
Burr Ridge, Illinois

APPROVED BY the President and Board of Trustees this 14th day of September, 2009.



RECONVENED REGULAR MEETING

MAYOR AND BOARD OF TRUSTEES, VILLAGE OF BURR RIDGE, IL.

August 24, 2009

CALL TO ORDER The Regular Meeting of the Mayor and Board of Trustees of August 24, 2009 was reconvened at 8:50 p.m. with the same Trustees in attendance as immediately preceding the Closed Meeting from 8:25 p.m. to 8:50 p.m.

RECONVENE REGULAR MEETING Motion was made by Trustee Sodikoff and seconded by Trustee Grela that the Regular Meeting of August 24, 2009 be reconvened.

On Roll Call, Vote Was:

AYES 4 – Trustees Sodikoff, Grela, Paveza & Allen

NAYS: 0 – None

ABSENT: 2 – Trustees Wott & DeClouette

There being four affirmative votes, the motion carried.

CONSIDERATION OF RECOMMENDATION TO CONTINUE THE AUGUST 24, 2009, REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES TO AUGUST 31, 2009 AT 7:00 P.M.

Motion was made by Trustee Grela and seconded by Trustee Allen to continue the August 24, 2009 Regular Meeting Agenda of the Mayor and Board of Trustees to August 31, 2009 at 7:00 p.m. at the Village Hall, 7660 S. County Line Road and that the Agenda be continued to said, date, time & place.

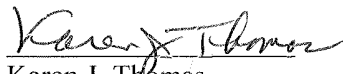
On Roll Call, Vote Was:

AYES 4 – Trustees Grela, Allen, Sodikoff & Paveza

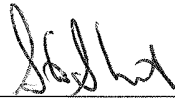
NAYS: 0 – None

ABSENT: 2 – Trustees Wott & DeClouette

There being four affirmative votes, the motion carried and the Regular Meeting of August 24, 2009 was continued to 7:00 p.m. on August 31, 2009 at 8:51 p.m.



Karen J. Thomas
Village Clerk
Burr Ridge, Illinois



Steven S. Stricker
Village Clerk Pro-Tempore
Burr Ridge, Illinois

APPROVED BY the President and Board of Trustees this 14th day of September, 2009.



**AGENDA
REGULAR MEETING – MAYOR & BOARD OF TRUSTEES
VILLAGE OF BURR RIDGE**

**August 24, 2009
7:00 p.m.**

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE – Claire Kelly
Pleasantdale Elementary School**
- 2. ROLL CALL**
- 3. AUDIENCE**
- 4. CONSENT AGENDA – OMNIBUS VOTE**

All items listed with an asterisk (*) are considered routine by the Village Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board member or citizen so request, in which event the item will be removed from the Consent Agenda.

**7:00 p.m.
Public Hearing**

**Concerning the Intent of the Mayor and Board of Trustees
of the Village of Burr Ridge, DuPage and Cook Counties, Illinois,
to Sell Not to Exceed \$5,900,000 General Obligation Bonds
(Alternate Revenue Source)**

5. MINUTES

- *A. Approval of Regular Meeting of August 10, 2009
- *B. Receive and File Draft Plan Commission Committee Meeting of August 17, 2009

6. ORDINANCES

- A. Approval of An Ordinance of the Village of Burr Ridge, DuPage and Cook Counties, Illinois, Authorizing and Providing for an Installment Purchase Agreement for the Purpose of Financing the Costs of Certain Capital Improvements In and For the Village, Including, But Not Limited To, A New Police Station, and Authorizing and Providing for the Issue of \$5,885,000 (Taxable) Debt Certificates, Series 2009, Evidencing the Rights to Payment Under Such Agreement, Prescribing the Details of the Agreement and Certificates, and Providing for the Security for and Means of Payment Under the Agreement of the Certificates
- B. Consideration of An Ordinance Amending the Budget Adoption Ordinance for All Corporate Purposes of the Village Of Burr Ridge, DuPage and Cook Counties, Illinois, for the Fiscal Year Commencing on the First Day of May, 2009 and Ending on the Thirtieth Day of April, 2010 (Transfer of Equity Commencing on September 1, 2009)

EXHIBIT *A*

- *C. Approval of An Ordinance Granting a Variation from the Rear Yard Setback Requirement of the Village of Burr Ridge Zoning Ordinance (V-03-2009: 21 Woodgate Drive – Johnston/Smutny)
- *D. Approval of An Ordinance Rezoning Certain Real Estate from the R-2A District to the T-I District of the Village of Burr Ridge Zoning Ordinance (Z-09-2009: 7700 County Line Road – Burr Ridge Police Facility)
- *E. Approval of An Ordinance Granting Variations for Reduction of the Corner Side Yard Setback and Allowance of Limited Guest Parking in a Front Yard Pursuant to the Village of Burr Ridge Zoning Ordinance (Z-09-2009: 7700 County Line Road – Village of Burr Ridge)

7. RESOLUTIONS

8. CONSIDERATIONS

- A. Consideration of Plan Commission Recommendation to Approve PUD Amendment to Permit Additional Project Identification Signs on the Building (Z-11-2009: 1000 Village Center Drive – Opus North)
- B. Discussion Regarding Proposed New Solicitation Ordinance and Possible Regulations Concerning Handbills
- C. Presentation of 1st Quarter FY 2009-10 Financial Report
- *D. Approval of Plan Commission Recommendation to Approve Special Use to Construct a Cart Corral near Front Entrance (Z-05-2009: 100 Burr Ridge Parkway – Brookhaven Market)
- *E. Approval of Plan Commission Recommendation to Approve Rezoning from the R-3 Single-Family Residence District and the B-2 General Business District to the O-2 Office and Hotel District (Z-10-2009: 15W211 75th Street – MSJ Properties)
- *F. Approval of Plan Commission Recommendation to Approve Fence Replacement (PC-08-2009: Carriage Way Subdivision)
- *G. Approval of Recommendation to Enter Into a Release and Indemnification Agreement with the Village of Lemont for Use of Lemont's Firing Range Facilities
- *H. Approval of Recommendation to Award Contract for Purchase of Replacement Chipper
- *I. Approval of Vendor List
- J. Other Considerations – For Announcement, Deliberation and/or Discussion Only – No Official Action will be Taken

9. AUDIENCE

10. REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

11. CLOSED SESSION - Approval of Closed Session Minutes of July 13, 2009

- Pending Litigation

- Collective Bargaining Issues

12. RECONVENED MEETING

13. ADJOURNMENT

- A. Consideration of Recommendation to Continue the August 24, 2009, Regular Meeting of the Mayor and Board of Trustees to August 31, 2009, at 7:00 p.m.